

at a point during pregnancy, each becomes compelling”.

(2) In delineating at what point the Government's interest in fetal life becomes “compelling”, *Roe v. Wade* held that “a State may not prohibit any woman from making the ultimate decision to terminate her pregnancy before viability”, a conclusion reaffirmed in *Planned Parenthood of Southeastern Pennsylvania v. Casey*.

(3) *Planned Parenthood of Southeastern Pennsylvania v. Casey* also reiterated the holding in *Roe v. Wade* that the government's interest in potential life becomes compelling with fetal viability, stating that “subsequent to viability, the State in promoting its interest in the potentiality of human life may, if it chooses, regulate, and even proscribe, abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother”.

(4) According to the Supreme Court, viability “is the time at which there is a realistic possibility of maintaining and nourishing a life outside the womb, so that the independent existence of the second life can in reason and all fairness be the object of State protection that now overrides the rights of the woman”.

(5) The Supreme Court has thus indicated that it is constitutional for Congress to ban abortions occurring after viability so long as the ban does not apply when a woman's life or health faces a serious threat.

(6) Even when it is necessary to terminate a pregnancy to save the life or health of the mother, every medically appropriate measure should be taken to deliver a viable fetus.

(7) It is well established that women may suffer serious health conditions during pregnancy, such as breast cancer, preeclampsia, uterine rupture or non-Hodgkin's lymphoma, among others, that may require the pregnancy to be terminated.

(8) While such situations are rare, not only would it be unconstitutional but it would be unconscionable for Congress to ban abortions in such cases, forcing women to endure severe damage to their health and, in some cases, risk early death.

(9) In cases where the mother's health is not at such high risk, however, it is appropriate for Congress to assert its “compelling interest” in fetal life by prohibiting abortions after fetal viability.

(10) While many States have banned abortions of viable fetuses, in some States it continues to be legal for a healthy woman to abort a viable fetus.

(11) As a result, women seeking abortions may travel between the States to take advantage of differing State laws.

(12) To prevent abortions of viable fetuses not necessitated by severe medical complications, Congress must act to make such abortions illegal in all States.

(13) Abortion of a viable fetus should be prohibited throughout the United States, unless a woman's life or health is threatened and, even when it is necessary to terminate the pregnancy, every measure should be taken, consistent with the goals of protecting the mother's life and health, to preserve the life and health of the fetus.

SEC. 3. ABORTION PROHIBITION.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 73 the following:

“CHAPTER 74—ABORTION PROHIBITION

“Sec.

“1531. Prohibition.

“1532. Penalties.

“1533. State regulations.

“1534. Rule of construction.

“§ 1531 Prohibition.

“(a) IN GENERAL.—It shall be unlawful for a physician to abort a viable fetus unless the

physician certifies that the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health.

“(b) GRIEVOUS INJURY.—

“(1) IN GENERAL.—For purposes of subsection (a), the term ‘grievous injury’ means—

“(A) a severely debilitating disease or impairment specifically caused by the pregnancy; or

“(B) an inability to provide necessary treatment for a life-threatening condition.

“(2) LIMITATION.—The term ‘grievous injury’ does not include any condition that is not medically diagnosable or any condition for which termination of pregnancy is not medically indicated.

“(c) PHYSICIAN.—In this chapter, the term ‘physician’ means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions, except that any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs an abortion in violation of subsection (a) shall be subject to the provisions of this section.

“(d) NO CONSPIRACY.—No woman who has had an abortion after fetal viability may be prosecuted under this section for a conspiracy to violate this section or for an offense under section 2, 3, 4, or 1512 of title 18, United States Code.

“§ 1532 Penalties.

“(a) ACTION BY ATTORNEY GENERAL.—The Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney specifically designated by the Attorney General may commence a civil action under this chapter in any appropriate United States district court to enforce the provisions of this chapter.

“(b) RELIEF.—

“(1) FIRST OFFENSE.—Upon a finding by the court that the respondent in an action commenced under subsection (a) has knowingly violated a provision of this chapter, the court shall notify the appropriate State medical licensing authority in order to effect the suspension of the respondent's medical license in accordance with the regulations and procedures developed by the State under section 1533(d), or shall assess a civil penalty against the respondent in an amount not exceeding \$100,000, or both.

“(2) SECOND OFFENSE.—If a respondent in an action commenced under subsection (a) has been found to have knowingly violated a provision of this chapter on a prior occasion, the court shall notify the appropriate State medical licensing authority in order to effect the revocation of the respondent's medical license in accordance with the regulations and procedures developed by the State under section 1533(d), or shall assess a civil penalty against the respondent in an amount not exceeding \$250,000, or both.

“(3) HEARING.—With respect to an action under subsection (a), the appropriate State medical licensing authority shall be given notification of and an opportunity to be heard at a hearing to determine the penalty to be imposed under this subsection.

“(c) CERTIFICATION REQUIREMENTS.—At the time of the commencement of an action under subsection (a), the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney specifically designated by the Attorney General shall certify to the court involved that, at least 30 calendar days prior to the filing of

such action, the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney involved—

“(1) has provided notice of the alleged violation of this section, in writing, to the Governor or chief executive officer and attorney general or chief legal officer of the State or political subdivision involved, as well as to the State medical licensing board or other appropriate State agency; and

“(2) believes that such an action by the United States is in the public interest and necessary to secure substantial justice.

“§ 1533 Regulations.

“(a) REGULATIONS OF SECRETARY FOR CERTIFICATION.—

“(1) IN GENERAL.—Not later than 60 days after the date of enactment of this chapter, the Secretary of Health and Human Services shall publish proposed regulations for the filing of certifications by physicians under section 1531(a).

“(2) REQUIREMENT.—The regulations under paragraph (1) shall require that a certification filed under section 1531(a) contain—

“(A) a certification by the physician (on penalty of perjury, as permitted under section 1746 of title 28) that, in his or her best medical judgment, the abortion involved was medically necessary pursuant to such section; and

“(B) a description by the physician of the medical indications supporting his or her judgment.

“(3) CONFIDENTIALITY.—The Secretary of Health and Human Services shall promulgate regulations to ensure that the identity of the mother described in section 1531(a) is kept confidential, with respect to a certification filed by a physician under section 1531(a).

“(b) ACTION BY STATE.—A State, and the medical licensing authority of the State, shall develop regulations and procedures for the revocation or suspension of the medical license of a physician upon a finding under section 1532 that the physician has violated a provision of this chapter. A State that fails to implement such procedures shall be subject to loss of funding under title XIX of the Social Security Act.

“§ 1534 Rule of Construction.

“(1) IN GENERAL.—The requirements of this chapter shall not apply with respect to postviability abortions in a State if there is a State law in effect in the State that regulates, restricts, or prohibits such abortions to the extent permitted by the Constitution of the United States.

“(2) STATE LAW.—In paragraph (1), the term “State law” includes all laws, decisions, rules or regulations of any State, or any other State action having the effect of law.”.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

“74. Prohibition of post-viability abortions 1531”.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Thursday, May 22, 1997, at 9:30 a.m. to consider revisions to title 44/GPO: Review and Recommendations of Draft Legislation.

For further information concerning this hearing, please contact Eric Peterson at 224-7774.

SUBCOMMITTEE ON WATER AND POWER

Mr. KYL. Mr. President, I would like to announce for the information of the Senate and the public that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources will hold a hearing to receive testimony concerning several pending measures. The measures are:

S. 439, the Federal Power Act Amendment Act of 1997,

H.R. 651 and H.R. 652, bills to extend the deadlines for hydroelectric projects in the State of Washington,

S. 725, the Collbran Project Unit Conveyance Act,

S. 736, the Carlsbad Irrigation Project Acquired Land Transfer Act,

S. 744, to authorize the construction of the Fall River Water Users District Rural Water System and authorize financial assistance to the Fall River Water Users District, a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes, and

S. 538, to authorize the Secretary of the Interior to convey certain facilities of the Minidoka project to the Burley Irrigation District, and for other purposes.

The hearing will take place on Tuesday, June 10 in room SD-366 of the Dirksen Senate Office Building starting at 9:30 a.m. Persons interested in testifying or submitting material for the hearing record should contact the Subcommittee on Water and Power of the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510, attn: Shawn Taylor (S. 439, H.R. 651 and 652) at 202-224-7875 or Betty Nevitt (S. 725, S. 736, S. 744, and S. 538) at 202-224-0765.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, May 15, 1997, to conduct a hearing to examine the report dealing with U.S. and allied efforts to recover and restore gold and other assets stolen or hidden by Germany during World War II.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, May 15, 1997, at 9:30 a.m. on spectrum.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Energy and Natural Resources Committee

be granted permission to meet during the session of the Senate on Thursday, May 15, for purposes of conducting a joint hearing of the Senate Energy and Natural Resources Subcommittee on Forests and Public Land Management and the House Resources Subcommittee on Forests and Forest Health which is scheduled to begin at 2 p.m. The purpose of this Hearing is to receive testimony on the release of the Columbia River Basin Environmental Impact Statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a full committee hearing on "Student Aid Delivery Systems: \$320 million Too Much Money for Too Little Accountability?" during the session of the Senate on Thursday, May 15, 1997, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for an oversight hearing on "SBA's Finance Programs—Part II" on Thursday, May 15, 1997, which will begin at 9:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. SANTORUM. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on sexual harassment in the Department of Veterans Affairs. The hearing will be held on May 15, 1997, at 9:30 a.m., in room 216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, May 15, 1997, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the African Affairs Subcommittee of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 15, 1997, at 10:30 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. SANTORUM. Mr. President, the Finance Committee Subcommittee on International Trade requests unanimous consent to conduct a hearing on Thursday, May 15, 1997, beginning at 2 p.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Science, Technology, and Space Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, May 15, 1997, at 2 p.m. on the National Weather Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NOBEL PEACE PRIZE RECIPIENT JOSE RAMOS-HORTA

• Mrs. BOXER. Mr. President, I rise today to welcome Jose Ramos-Horta to California. In recognition of his indefatigable efforts on behalf of the people of his native East Timor, Mr. Ramos-Horta was coawarded the 1996 Nobel Prize for Peace. He will be in San Francisco in June to participate in a 3-day conference on peacemaking. There he will be joined by numerous national and world leaders including fellow Nobel laureates, the Dalai Lama of Tibet and Rigoberta Menchu of Guatemala.

The issue of East Timor has a special relevance in California, which is home to the largest concentration of Portuguese-Americans in the United States. Shortly after Portugal took steps in 1974 to end political oppression at home, it withdrew from most of its foreign territories, including East Timor. Although Portugal ceased to exercise colonial influence over East Timor in the midseventies, it has remained an important voice of conscience regarding East Timor ever since.

As may be expected at the conclusion of 500 years of foreign rule, a brief period of struggle ensued between rival factions in East Timor. For many, the pain of this civil strife was tempered with optimism over the prospect of imminent, peaceful self-rule. Exiled by colonialist authorities for his early proindependence stance, Mr. Horta was particularly encouraged by events.

This hope of a budding nation was crushed when troops from neighboring Indonesia invaded East Timor in 1975. Annexation followed the next year and so began a period of often brutal occupation. Regrettably, over 20 years later, for many East Timorese the dream of political independence has been replaced, at least in the short term, by the struggle for the most basic of human rights.

In self-imposed exile since the invasion, Jose Ramos-Horta has never forgotten his homeland and its desire for peace and freedom. He travels, writes, and speaks continually about what has occurred and what is occurring in East Timor. It is testament to his passion and the resilience of his countrymen